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**Remarks / Arguments & Status**

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The application presently contains the following claims:

<i>Independent Claim #</i>	<i>Dependent Claim #s</i>
1	2-6
7	8, 10-12
13	14-18
19	20-21, 23, 25-26

Claims 1-2, 7-8, 10-11, 13-14, 16-17, 19-20, 23 and 25 are amended, while claims 9, 22 and 24 are deleted. Support for the newly added limitations may be found in the suggestions made by the examiner coupled with reference to the chemical structures found on page 3 of the application as published.

The examiner has represented that claims 2-6 and 23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. §112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

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**Claim Objections & Responsive Arguments**

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The examiner has objected to claims 1-2, 13-14 and 19-20 in light of the recognition by the examiner that R<sup>3</sup> was incorrectly referred to as an alkyl group, when in fact, the correct nomenclature would have been alkylene. The applicant's attorney thanks the examiner for this observation and has made the appropriate correction.

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**35 U.S.C. §112 Rejection & Responsive Arguments**

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The examiner has rejected claims 1-26 under this section, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Specifically, the examiner noted that claims 1, 7, 13 and 19 referred to a phosphite which was

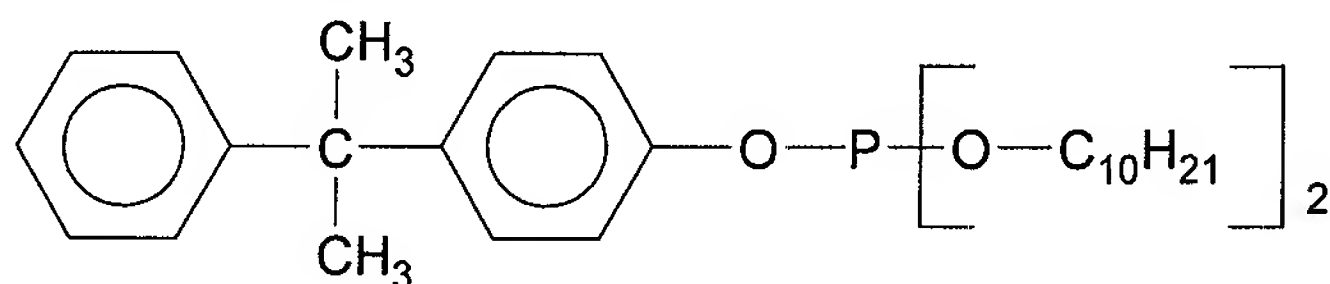
correct only when the subscript "b" was 2. The applicant's attorney thanks the examiner for this observation and has made the appropriate correction to both the claims and to the specification.

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### **35 U.S.C. §102 Rejection & Responsive Arguments**

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The examiner has rejected claims 1, 7-22 and 24-26 under this section, subparagraph (b) as being anticipated by Stevenson et al., US 2003/0001136 ("Stevenson '1136"). The examiner noted that Stevenson '1136 disclosed phosphite ester additives (in general) for PVC in paragraphs 6-9 and that specific phosphite esters were listed in the tables in pages 3-5 and 10. The examiner specifically identified phosphite #18 (mono (paracumylphenyl) diisodecyl phosphite) of the following formula:



and identified the above phosphite as being used in example F on page 5 in Table I in Stevenson '1136. The examiner indicated that it would be her position that the polymer composition which contained the above phosphite would be non-volatile and would have a reduced amount or no phenol emissions, thereby anticipating the cited claims.

The applicant's attorney has amended the pertinent independent claims to remove this species from any generic Markush structure, thereby rendering moot this predicate for rejection.

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### **35 U.S.C. §102(e) Rejection & Responsive Arguments**

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The examiner has rejected claims 1, 7-22 and 24-26 under this section, subparagraph (e) as being anticipated by Stevenson et al., US 2004/0183054 ("Stevenson '3054"). The examiner suggested that this rejection might be overcome either by a showing under 37 C.F.R. §1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application, and thus, is not the invention "by another," or by an appropriate showing under 37 C.F.R. §1.131. In light of the amendments made to the pending claims, it is respectfully submitted that this predicate for rejection has been rendered moot.

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### **Double Patenting**

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The examiner has provisionally rejected claims 1, 7-22 and 24-26 under the ground of nonstatutory obviousness-type double patenting, as being unpatentable over claims 1, 4, 7, 9, and 14-16 of copending Application No. 10/709,510 (published as 2004/0183054). Once again, through claim amendments, it is

respectfully submitted that the predicate for the double patenting provisional rejection has been rendered moot.

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***Prior Art made of Record, but not relied upon***

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The examiner has indicated that the following prior art has been made of record, but was not relied upon nor considered pertinent to the applicant's disclosure: US 20040164279; US 2004-186207; US 6,824,711 corresponding to US 20030001136; and JP 49-20928 (corresponding to JP 74-020928).

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***Request for Reconsideration***

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Applicant believes that all independent claims clearly define over the prior art and that the distinctions between the present invention and the prior art would not have been obvious to one of ordinary skill in the art. Additionally, the remaining dependent claims, (including withdrawn dependent claims pursuant to the restriction and species election requirement) by the limitations contained in the base independent claims, are felt to be patentable over the prior art by virtue of their dependency from independent claims which distinguish over the prior art of record. All pending claims are thought to be allowable and reconsideration by the Examiner is respectfully requested.

It is respectfully submitted that no new additional searching will be required by the examiner.

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***Fee Determination Record***

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A fee determination sheet is attached for this amendment response. The Commissioner is hereby authorized to charge any additional fee required to effect the filing of this document to Account No. 50-0983.

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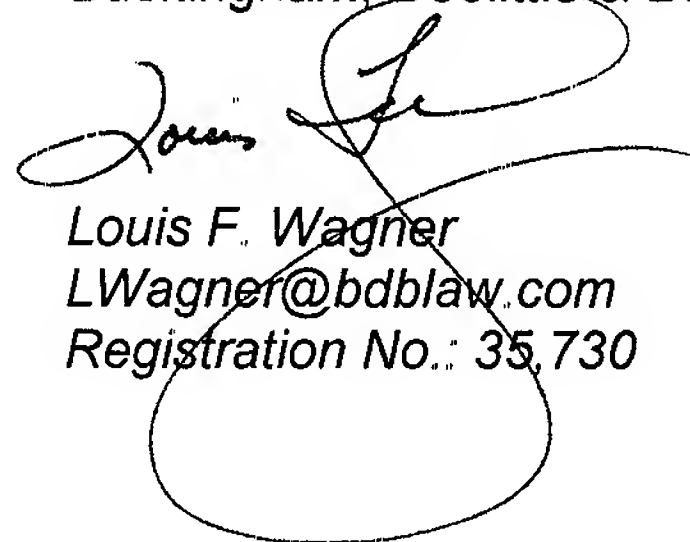
**Conclusion**

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It is respectfully submitted that all references identified by the examiner have been distinguished in a patentably novel and non-obvious way. If the examiner believes that a telephonic conversation would facilitate a resolution of any and/or all of the outstanding issues pending in this application, then such a call is cordially invited at the convenience of the examiner.

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